

A1 relation to said longitudinal axis on said main body,
said preferential bending line extending from one
longitudinal side area of the sanitary napkin to an
opposite longitudinal side area, crossing the
longitudinal axis of the sanitary napkin.

A2 3. (Amended) A sanitary napkin as defined in claim 2,
wherein said bending line is formed by embossing said absorbent
system [sanitary napkin has two opposite longitudinal side
areas, said sanitary napkin including a preferential bending
line extending obliquely in relation to said longitudinal axis,
said preferential bending line extending from one longitudinal
side area of the sanitary napkin to an opposite longitudinal
side area of the sanitary napkin, crossing the longitudinal axis
of the sanitary napkin].

A3 Sub 7 6. (Amended) A sanitary napkin as defined in claim 1,
B2 wherein said [certain] three dimensional deformation profile is
a W profile.

REMARKS

Applicants have carefully reviewed the above-identified application in light of the Office Action June 6, 2000. Claims 1-14 remain presented for examination. Claims 1, 3 and 6 have been amended to define still more clearly what Applicants regard as their invention, in terms which distinguish over the art of record, and in particular to overcome the formal rejection. Thus, this Amendment is to be viewed as a traversal of the art rejection. A Request for Approval of Drawing Changes is

submitted herewith which corrects the errors in the Figures noted by the Examiner in the Office Action. No new matter has been added to the Drawings.

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

Applicants have amended claim 1 to delete the subject matter that lacked proper antecedent basis. In view of the above amendment, Applicants believe that the specification and claims now satisfy the regulatory requirements of 37 CFR.

Claims 1-14 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, with special attention to the points raised in the Office Action. It is believed that the corresponding rejections under Section 112 have been obviated, and their withdrawal is therefore respectfully requested.

Claims 1-11 and 14 stand rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 5,171,302 (Buell) in further view of U.S. Patent 5,891,121 (Redwine). Claims 12 and 13 were rejected under 35 U.S.C. § 103 as obvious from Buell in view of Redwine and U.S. Patent 5,505,719 (Cohen).

Claim 1 is the only independent claim. As defined by the amended independent claim 1, the present invention is directed to a sanitary napkin having a fluid-pervious cover layer, an absorbent system, and a liquid-impervious barrier layer. This

napkin is characterized in having a thickness less than about 5mm and a flexural resistance of not less than 400g. The absorbent system of this napkin comprises a preferential bending zone, which upon the application of a lateral compression force, permits the napkin to acquire a three-dimensional deformation profile.

A further important feature of the present invention, as defined by amended independent claim 1, is that the main body of the napkin comprises a preferential bending line which extends obliquely in relation to the main body's longitudinal axis, this bending line extending from one longitudinal side area to the other and thereby crossing the longitudinal axis.

As understood by Applicants, Buell relates to an absorbent article with a central hinge. The Examiner acknowledges that Buell does not teach an important feature of the present invention: "Buell does not teach the obliquely extending preferential bending line to cross the longitudinal axis of the sanitary napkin" (page 4, last line -- page 5, first line of the Office Action). The Examiner then makes the argument that in light of Buell's "central bending line corresponding to the longitudinal axis ... it would be obvious ... to alter the function of the central bending line by allowing obliquely extending bending lines to cross the longitudinal axis" (first paragraph, page 5 of the Office Action).

Applicants respectfully disagree with both this conclusion and the rationale cited by the Examiner. Applicants ask for support for the Examiner's conclusory statement that "It has

been held that rearranging parts of an invention involves only routine skill in the art" (first paragraph, page 5). That is, Applicants respectfully ask for authority in case law, statute or the M.P.E.P. for this rule. Assuming arguendo that this "rule" is valid for inventions in which the "rearranged" components perform specific functions that remain unchanged after they have been moved, applicants submit that this argument has no validity when the rearrangement results in those functions changing. Consequently, Applicants submit that this argument is totally unsubstantiated in the present invention where the Examiner prefaces applying it by noting that a change in function is involved ("to alter the function of the central bending line").

Moreover, Applicants submit that the presence of bending lines extending obliquely to Buell's central preferential bending zone is not only not obvious but is counter intuitive. That is, one would expect that creating oblique lines by perforations, slits, cuts and especially embossing (referencing page 2, line 29 of the specifications) across a bending zone would interfere with the bending function.

Accordingly, Applicants maintain that this claimed feature of independent claim 1 is not taught nor suggested by the Buell patent. Further, Redwine fails to remedy this deficiency of the prior art. Consequently, the present invention as defined by independent claim 1 is deemed patentable over the combination of Buell and Redwine.

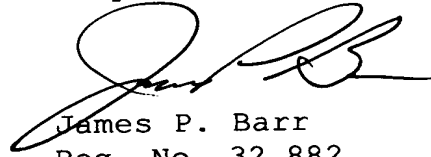
In addition to the foregoing, the Patent Office alleges that Buell discloses a sanitary napkin having a thickness less than 5 millimeters. Applicants respectfully traverse. Buell, at column 9, lines 7-9 discloses that the absorbent core has a generally uniform caliper of about 4.6 millimeters. Further at column 13, lines 7-11, Buell discloses that the deformation element has a generally uniform caliper of 2.0 millimeters. Simply combining these two elements alone and for the moment ignoring any contribution by the cover layer and barrier layer, these elements provide a thickness of 6.6 millimeters. This is clearly greater than the required thickness of less than 5 millimeters in applicant's claimed invention. Thus the assertion by the Patent Office is clearly factually wrong. Moreover, the Patent Office has not provided any rationale or motivation to direct one of ordinary skill in the art to modify Buell to reduce the caliper of the sanitary napkin disclosed therein.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against claim 1. This claim is therefore believed patentable over the art of record.

The other claims in this application are each dependent from claim 1 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the pending claims.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'James P. Barr', written over the typed name.

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